

It is noted that when particle formation is described, the statement is made that "the powder so produced is usually so fine as to need no fixing agent."

Applicants submit that to combine this reference with any reference that would go against the clear and unequivocal teaching that fine particles (and not flakes) are to be used in the invention described.

Chou, et al., describes the use of colloidal particles which are extremely small. There is no polymer in the particles. The Examiner indicates that Chou teaches the particle size. However, the Examiner is incorrect, since the sizes in Chou range up to 250 *nanometers* and the claimed sizes (in the dependent claims 55 and 56 is in the *micrometer* range. Furthermore, Chou, which teaches a colloidal particle does not appear to be combinable with the Canadian references to meet the claims, since the claim requires *flakes* of metal dispersed in the particle. The combination does not have all of the elements of the independent claims. Furthermore, it is not clear how these colloidal metal powders would be produced in a way that the lack of oxidation that is the main feature of the Canadian would be preserved.

Oguchi teaches the use of metal *powders* col. 2, line 32. The method described results in a powder, in which individual elements of the metal are coated with a polymer. This coated powder is used in dry toner. It does not teach coated metal flakes. It is also noted that the coated particles are further coated with carbon black to form a black, magnetic toner. This reference if it were combined with the Canadian reference, would not provide the metallic finish that is the objective of the Canadian reference. Thus, any combination is not *prima facie* obvious. Furthermore, it is not clear how these metal powders would be produced in a way that the lack of oxidation that is the main feature of the Canadian would be preserved (or even relevant).

The Japanese reference no. 62/100771 teaches the use of a flaky inorganic base coated with titanium dioxide and a pigment. There is no mention of a metallic flake or of any metal at all. The use of such a material to simulate a metal further shows that the art, at the time of the present invention, did not know how (or did not consider it desirable) to use a metal flake in a toner particle. Thus, the combination of this reference with the Canadian reference would not result in the claimed invention, namely a polymer toner particle having flakes of metal dispersed therein. Furthermore, this reference does not combine with the Canadian reference which seeks to find a way to use a metal, while preserving its important features. There is no motivation to use a substitute.

The Japanese reference no. 01/112254 has a teaching similar to that of the other Japanese reference, except that the coating is different. The use of such a material to simulate a metal

further shows that the art, at the time of the present invention, did not know how (or did not consider it desirable) to use a metal flake in a toner particle. Thus, the combination of this reference with the Canadian reference would not result in the claimed invention, namely a polymer toner particle having flakes of metal dispersed therein. Furthermore, this reference does not combine with the Canadian reference which seeks to find a way to use a metal, while preserving its important features. There is no motivation to use a substitute.

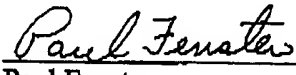
Applicants submit that the prior art over many years tried to find a way to simulate a metallic finish in a toner material. The art cited in the present office action (and that previously cited) shows various ways of producing a metallic effect. The use of a metal flake for coating a surface was described in art previously cited. However, the flakes were not dispersed in a polymer. Powders, which were known to give inferior gloss, were used, since they could be easily dispersed in a polymer to form toner particles. Substitute pigmenting materials were used, since these had the sturdiness to last in the production process.

Applicants further submit that the combinations suggested by the Examiner do not meet the requirements of *prima facie* obviousness for one or more of the following reasons:

- 1) The combination, if made, does not produce the claimed invention, namely a polymer toner particle having flakes of metal dispersed therein.
- 2) There is no motivation to combine some of the references, since the result would not give one or more features of the Canadian reference.
- 3) The references are not combinable. Namely, the Canadian reference describes a method in which the secondary reference could not be used, at least without completely changing the operation of the primary reference.

Applicants submit that the present claims are patentable over the cited art. Notice to this effect is respectfully awaited. If the Examiner has any questions, he is respectfully requested to call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
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